



**MINUTES  
FREMONT PLANNING COMMISSION  
REGULAR MEETING OF APRIL 10, 2003**

CALL TO ORDER: Chairperson Cohen called the meeting to order at 7:00 p.m.

PRESENT: Chairperson Cohen, Vice Chairperson Weaver, Commissioners Wieckowski, Harrison, Sharma, Natarajan

ABSENT: Thomas

STAFF PRESENT: Jeff Schwob, Deputy Planning Manager  
Larissa Seto, Senior Deputy City Attorney  
Barbara Meerjans, Associate Planner  
Alice Malotte, Recording Clerk  
Mark Eads, Video Technician  
The Chavez Group, Remote Stenocaptioning

APPROVAL OF MINUTES: Regular Minutes of March 13, 2003, approved as submitted.

**CONSENT CALENDAR**

THE CONSENT LIST CONSISTED OF ITEM NUMBER 1.

IT WAS MOVED (HARRISON/WEAVER) AND UNANIMOUSLY CARRIED BY ALL PRESENT THAT THE PLANNING COMMISSION TAKE THE FOLLOWING ACTION ON ITEM NUMBER 1.

**Item 1. CAROL COMMONS – 41482 Fremont Boulevard – (PLN2003-00018)** – to consider a General Plan Amendment to change the land use designation from medium-density residential, 15-18 dwelling units per acre, to medium-density residential, 18-23 units per acre and a Mitigated Negative Declaration under CEQA for a 0.99-acre site in the Irvington Planning Area. (Continued from March 27, 2003.)

**Commissioner Natarajan** stated that she had no objection to increasing the density, but she did object to calling 2,400 square foot homes “townhouses” and said that she would look for a variety of floor plans, size and the scale and massing of the buildings when the project was brought before the Planning Commission.

**Chairperson Cohen** strongly encouraged the applicant to return with “something extremely impressive,” because a high-quality project would be expected.

**HOLD PUBLIC HEARING.**

**AND**

**RECOMMEND THE CITY COUNCIL APPROVE DRAFT MITIGATED NEGATIVE DECLARATION AND FIND IT REFLECTS THE INDEPENDENT JUDGEMENT OF THE CITY OF FREMONT.**

**AND**

**FIND PLN2003-00018 IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S EXISTING GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN'S HOUSING AND LAND USE CHAPTERS AS DISCUSSED WITHIN THE STAFF REPORT.**

**AND**

**RECOMMEND THAT THE CITY COUNCIL APPROVE PLN2003-00018 TO AMEND THE GENERAL PLAN LAND USE DESIGNATION FROM MEDIUM DENSITY RESIDENTIAL (15-18 DWELLING UNITS PER ACRE) TO MEDIUM DENSITY RESIDENTIAL (18 – 23 DWELLING UNITS PER ACRE) IN CONFORMANCE WITH EXHIBIT "A" (GENERAL PLAN AMENDMENT EXHIBIT).**

The motion carried by the following vote:

AYES:	6 – Cohen, Harrison, Natarajan, Sharma, Weaver, Wieckowski
NOES:	0
ABSTAIN:	0
ABSENT:	1 – Thomas
RECUSE:	0

## **PUBLIC COMMUNICATIONS**

### **ORAL COMMUNICATIONS**

### **PUBLIC HEARING ITEMS**

- Item 2.     TENTATIVE MAP 7618 EXTENSION – 45330 Warm Springs Boulevard – (PLN2003-00145)**  
– to consider an extension of Tentative Tract Map 7618 for a seven-lot industrial subdivision located at the southeast quadrant of Warm Springs Boulevard and Grimmer Boulevard in the Industrial Planning Area. The City previously certified and approved a Mitigated Negative Declaration for the development of this project. (Continued from March 27, 2003.)

#### MODIFICATION TO STAFF REPORT

The property owner and staff have continued to discuss the extension of Tentative Tract Map 7618. Staff recommends granting the extension of the map for six months to allow the applicant time to modify the planned district and to submit a new parcel map. Should Planning Commission approve the extension, Exhibit "C" would be modified as follows:

1. Tentative Tract Map 7618 approval is extended to ~~February~~ October 7, 2004 ~~2003~~.

**Gale Hashimoto**, Hopkins and Carley stated that they appreciated all of staff's efforts and agreed with the proposed conditions.

**Commissioner Natarajan** asked if there was something they expected to achieve within the six-month extension and if she would like to share it. Was an office park still planned for this property?

**Ms. Hashimoto** replied that an amended map was being revised and they expected more specific direction for future use of the parcel as the result of BART moving forward. They were open to a variety of uses and, again, hoped for direction from staff for this particular planning corridor.

**Commissioner Sharma** noted that staff had originally recommended that this tentative map be denied and asked if some kind of mixed use might be planned.

**Ms. Hashimoto** stated that the market for this kind of property had changed significantly during the past year. The applicant had changed the use of the property and now was attempting to sell it. Mixed and residential uses would probably be more marketable and would be more consistent in connection with the BART station.

**Chairperson Cohen** asked if the Commission would see a major departure from what was presently on the tentative map when it was heard again in six months, assuming the extension was approved. He wondered what the advantage was to the applicant and the City in granting an extension.

**Ms. Hashimoto** replied that the applicant would prefer to work in accord with the BART station study results, since the property would be directly across from the BART station. On the other hand, it would be easier to sell the property with some zoning and a map in place.

**Chairperson Cohen** opened and closed the public hearing.

**Commissioner Sharma** asked if the year 2004, as noted in the modification, should be 2003.

**Senior Deputy City Attorney Seto** agreed that the year was 2003.

**Commissioner Harrison** felt it was fair to extend the time for the map and would support the recommendation, as shown on the Revised Agenda.

**Commissioner Natarajan** agreed with staff's original recommendation to not extend the vesting tentative map, because "starting from scratch" could be a "win-win" situation for all concerned. She foresaw an increase in density as the major possible zoning change, which would make good business sense.

**Chairperson Cohen** asked how extending the map would be an advantage to the City when it would eventually be redesigned.

**Senior Deputy City Attorney Seto** replied that several different options had been explored with the applicant, of which one was a redesign. However, the applicant had proposed changes to the existing tentative map to preserve the existing plan development and proceed with a different tentative map pattern where, instead of subdividing all of the units at this time, a smaller subdivision would be made to honor the rights that others had with regard to options on the property. The right to entitlement was important to the valuation issues. Asyst was a large corporate partner in the City, and this six-month extension would allow exploration of various options with protection for the City interests being provided by the conditions.

**Commissioner Wieckowski** asked if the tentative map extension were denied, was there the potential for the City to obtain an even better project on this property.

**Senior Deputy City Attorney Seto** felt that it was difficult to speculate on new projects with the current uncertain economic conditions.

**Commissioner Sharma** asked if Asyst would be impacted if the extension were denied versus what the impact would be if it were approved.

**Senior Deputy City Attorney Seto** stated that a denial would provide two options for Asyst: They could rely on the underlying planned district zoning that would still remain in place, or they could return with a new request for entitlements for some type of new zoning, which could have retail or mixed use elements.

**Commissioner Sharma** asked if one of those options would happen "six months down the road," even with approval of the extension.

**Senior Deputy City Attorney Seto** stated that another option was to pursue a parcelization of the property, using the existing zoning.

**Commissioner Natarajan** asked what the timeline was. She asked if a citizen's committee or task force was a part of the process where the property owner could be a part of the whole process.

**Deputy Planning Manager Schwob** replied that a consultant would be hired to perform the work associated with this project and an in-house planner would assist with day-to-day management of the consultants. BART had released the draft environmental report, which was being reviewed. He promised to provide the Commission with a timeline fairly soon. He did not know if there was a citizen's committee.

**Commissioner Wieckowski** read from Exhibit B, Land Use Policy 7.8 that stated at all proposed uses "shall" be reviewed for the potential to further or hinder the achievement of the study process goals. He asked for comment concerning the Commission's pending decision.

**Senior Deputy City Attorney Seto** stated that City Council decided that the project, as proposed, was such a benefit to the community that it needed to move ahead, although the specific plan process for the Warm Springs area would be trailing it.

**Commissioner Wieckowski** argued that the decision was made before Measure B to fund BART was approved by the voters. The circumstances had changed. BART was "a done deal." He wondered if by approving the extension, the goals of the specific plan would be hindered.

**Senior Deputy City Attorney Seto** noted that conditions had been added that required this project had to align with the BART station design. The floor area ratios for this planned district were enhanced to allow more density on the site.

**Commissioner Natarajan** asked, assuming the tentative map extension was approved, if there was a risk that the potential new owner could refuse to work with the City.

**Senior Deputy City Attorney Seto** stated that the new owner would have to bring a final map forward for review, which would have to meet the tentative map conditions. If the new owner did not cooperate with the City (and the tentative map conditions), they would not be allowed to subdivide the property.

**Commissioner Sharma** believed that the process should be started now; therefore, the extension should be denied.

**Chairperson Cohen** believed that this was "much to do about nothing," as a different project would come forth, regardless, and the applicant would lose little or nothing. He would support denial.

IT WAS MOVED (NATARAJAN/SHARMA) AND CARRIED BY THE FOLLOWING VOTE (4-2-0-1-0) THAT THE PLANNING COMMISSION HOLD PUBLIC HEARING.

**AND**

**DENY EXTENSION OF TENTATIVE TRACT MAP 7618 BASED ON EXHIBIT "B" (FINDINGS).**

The motion carried by the following vote:

AYES:	4 – Cohen, Natarajan, Sharma, Weaver
NOES:	2 – Harrison, Wieckowski
ABSTAIN:	0
ABSENT:	1 – Thomas
RECUSE:	0

**Chairperson Cohen** announced that the applicant had ten days to file an appeal.

- Item 3. ZION CHURCH OF PRAISE – 39600 & 39604 Sundale Avenue - (PLN2003-00154)** - to consider a Preliminary and Precise Planned District for a religious facility and accessory dorm facilities on 10.42 acres in the Irvington Planning Area. A Mitigated Negative Declaration has been prepared for this project. (Continued from March 27, 2003.)

**Stanley Wong**, member, stated that all project consultants were in attendance to answer questions. Two hundred fifty-two invitations were sent to invite neighbors to a meeting held in August 2003 compared to the 147 notices of this meeting that the City had sent. Fifteen of those neighbors attended and their concerns were addressed. All departments of the City were involved in, what turned out to be, a pleasant experience. He recalled that more than 100 people had attended the hearing on March 27<sup>th</sup> and none were in opposition to the project. He presented supporting letters from more than 250 surrounding neighbors. He asked that the project be approved at this meeting, as escrow was due to close on April 30<sup>th</sup>. He stated that the Church was buying the property from the Fremont Unified School District for \$16 million. He introduced Ron Kuntz, Assistant Superintendent.

**Ron Kuntz** stated that the school district planned to use the funds generated from the sale of this school site to supplement bond funds with which to complete the facility master plan. The site plan, elevations and new landscaping would be a welcome addition to the neighborhood. He asked that the project be approved so that escrow could close as planned.

**Commissioner Wieckowski** asked if the school district had alternative plans for the site, if this project were not approved. He wondered at the wisdom of selling off school district land when it could never be replaced as the City grew. He asked what the school children population was expected to be in 30, 40 or 50 years. He assumed that the majority of the area homeowners had originally bought the surrounding homes as new. They were now empty nesters and could be expected to sell their homes to younger families, or they would be sold after death. He was not sure that selling a school site was for the long-term betterment of the community. He asked if student needs had changed since the school was built in the 1950s.

Mr. Kuntz confirmed that there were no alternative plans for this particular site. Additional land was available within the district that allowed flexibility for school sites. Five-year projections were performed. He believed that there was enough excess capacity to satisfy short-term projections, independent of this particular site. Surplus sites would be considered for sale or retention in the long-term. He reiterated that the district had adequate capacity and flexibility to accommodate future students.

**Commissioner Natarajan** asked if there was room for negotiation concerning the planned close of escrow on April 30<sup>th</sup>. When looking at the site plan, she noticed a "future property line" and asked if a portion of the property would be sold sometime to someone else for a different use.

**Mr. Kuntz** stated that there was always room for negotiation.

**Mr. Wong** introduced Thomas Shannon who could answer Commissioner Wieckowski's question. He stated that the property was to be used as a church and as a training center. One of the 45 conditions stated that the property could not be subdivided.

**Commissioner Natarajan** replied that the subdivision condition referred to the housing, not the existing school buildings. She asked if there was a master plan that showed what the future potential uses would be for the site. She asked if he would be comfortable if the future property line was struck from the site plan.

**Mr. Wong** stated that the existing school buildings would all be used as Sunday school classrooms. A new sanctuary would be built, but there were no plans for the reserve area. He understood that the church would have to come back to the City if building plans were made for the reserve area. The Simon Preschool, the HeadStart Program and the Bay Community Service Adult Daycare were providing services on the site and would be encouraged to stay. He asked what the purpose of eliminating the future property line would be.

**Commissioner Natarajan** stated that the Commission would not approve something at this meeting that was to be a future decision.

**Mr. Wong** stated that a City planner advised that the property line be included to show potential future use.

**Tom Shannon**, Inshalla, Inc. school district consultants, told Commissioner Wieckowski that the City's Seven-Eleven Committee actually decided if the district's surplus property was superfluous to the educational needs of the district. This site, Noll, was one of four in the district. The women who were born during 1945 to 1964 would be 40 years old in 2004 and, generally, past the age for bearing children. Current demographics predicted that student enrollment would fall from its high enrollment from 1960 to 1972. A single-family home currently generated .24 students; a market-rate apartment generated .04 students; and a below-market-rate apartment generated .5 students. The likelihood of a substantial increase in student enrollment would be diminished because of the single-family housing in the neighborhood.

**Commissioner Wieckowski** believed that the immigration factor and the changing population of the City could skew his figures. He found it hard to believe that younger families moving into homes in the area that were now owned by seniors would not generate more than .24 students per house.

**Mr. Shannon** stated that immigration was a wash. Almost the same number of immigrants moved out of a community than new immigrants moved into. They did not substantially impact the enrollment of the school district. He expected the student population to decline, especially around the San Francisco Bay Area, as the communities became more prosperous. He believed that this would continue into the next 25 years. He recalled that many school districts faced much greater shortages in the 1980s than they were today. Some districts had chosen to sell off their capital property to improve their children's education. The districts that chose not to sell any assets, had a whole generation of children who suffered because there was not enough money. Modular classrooms were handling the "echo boom" moving through the districts that had a growing population at this time. He believed the district's duty was to provide the best education for today's children and to revisit the district's assets a generation down the line (20 plus years).

**Commissioner Wieckowski** and **Mr. Shannon** continued their dialogue about school enrollment and the increased educational programs that each school presently offered.

**Chairperson Cohen** interrupted the conversation to move the hearing along.

**Commissioner Sharma** stated that he knew that some of the schools had problems with not enough space for children in preschool and kindergarten. He asked how the \$16 million would improve education quality in the City and what would happen if this project were denied.

**Chairperson Cohen** opened the public hearing and asked the applicant to answer Commissioner Sharma's when responding to the public's comments.

**Jupin Ho** stated that she had attended the Noll Elementary School, still lived in the same neighborhood and was a teacher with the Fremont Unified School District. She was glad to

have the church come into the neighborhood as she felt it would be a positive influence and would upgrade the school grounds and its buildings.

**Donna Hoover** stated that she was one of the long-time residents on Wheeler Drive. Her children attended Noll Elementary, and when it was slated to close, she fought to keep it open, and she fought to keep it from being sold. She had feared that a “mega” housing development would be built directly behind her house. She was excited about the church buying the school property and believed it would be a good thing for the neighborhood.

**Lambert Caulfield** stated that he was one of the age 60+ homeowners who planned to stay in his house until he died. His five children had attended the Noll School, which was built on the site of a former dairy farm after he bought his home. He stated that a fire was set in the school one summer, the district had no money to make repairs, so it was closed down. He agreed that portables seemed to be the current trend to accommodate additional children on a school site. He noted that childcare was available in a portable at the local elementary school from which the child could walk to and from school. He stated that the fields at the project site used to be available for practice when he was a soccer/baseball coach. One year ago they were told the fields were not available, anymore. The maintenance of the buildings and surrounding fields had dropped and the asphalt had broken up. He was glad to see someone buying the property who would improve it and maintain it, which would bring up the value of his neighborhood, as well.

**Commissioner Sharma** asked if he foresaw school enrollment increasing in his neighborhood where the site might have to be used in the future. He asked if any of his neighbors had express disagreement with the selling of the school site.

**Mr. Caulfield** replied that he now had two grandchildren living with him and attending local schools, as were the grandchildren of his neighbors across the street. The empty nests had not stayed as empty as might be expected. He did not expect that the school would be reopened, because it would cost too much money to upgrade it. The school had been closed a long time and other opportunities had arisen when it could have been reopened.

**Commissioner Harrison** asked if the speaker was speaking in favor of the project.

**Mr. Caulfield** stated that he was in favor of the project and asked that it be approved.

**Chairperson Cohen** reminded the Commissioners that this was a land use issue and the school board made the decisions concerning selling any property within the district. He called the applicant to address Commissioner Sharma’s question.

**Dennis Kobza**, architect, noted that he and the applicants had three study sessions with staff and 45 conditions had been placed on the project. They were proud of the building design and believed that it would provide a “beautiful benefit to the community.”

**Commissioner Natarajan** asked Mr. Wong to speak to the church’s vision for the building and the surrounding property. She acknowledged that the project was huge and was far from over. She asked what had been involved in the church’s vision, what it hoped to achieve, and what it was looking for in the site plan and architecture. She asked if the architecture of the church would fulfill his vision by portraying peace and joy to the church members and to the community.

**Mr. Wong** replied that the church believed that “God does nothing but answer prayer,” so this was a “praying church.” The church’s vision was to bring peace and joy to the surrounding community. They hoped that people would be moved to join their church community. He described the physical aspects of the building and displayed a color rendering. Religious

details would be created on the outside walls. He asked the architect to describe the various architectural elements.

**Mr. Kobza** stated that the reflective glass in the office areas was changed, per staff's suggestions. The entrance to the building had a "grand foyer" with a generous lobby that opened to a plaza in the front. It was hoped people would be encouraged to gather here. Glass was added on the side of the building that was not seen from the street to be consistent with the other side of the building. A three-foot high, marble wainscoting would be added all around the building with cold reliefs. Sculpted angels would be on each side of the entrance and a large rainbow mural would be on the side of the building that faced Sundale Drive.

**Commissioner Natarajan** stated that if the symbols were removed from the building, it would look like an R&D industrial building, as mentioned in the staff report. She asked what factors created this form for a building, which was unusual for a church.

**Mr. Kobza** disagreed that the building was unusual for a church. It was conservative and was created with a budget in mind.

**Commissioner Natarajan** stated that creative designs did not have to be expensive. She asked where the creativeness was in this building. "Dressing up a box was still a box." She asked how this building form related to the vision that Mr. Wong expressed. This would be one of the biggest projects in Fremont, it would be a "legacy project" and she wanted to be certain that the church community and the larger community got the best possible project.

**Mr. Kobza** replied that many church designs had unusual roof forms and other elements. This design was what the church wanted, a conservative building. He recalled working with staff concerning the details. He noted that the neighbors thought that the project would be a beautiful addition to the community.

**Mr. Wong** stated that in the past, the church community chose to spend money on the beauty of a church. However, his community was not interested in creating a magnificent building. They preferred to use the money for training and sending people to mission stations, among other projects.

**Chairperson Cohen** asked Mr. Kuntz to describe how the City would benefit from the \$16 million paid for the school site.

**Mr. Kuntz** stated that the \$157 million bond act that was approved in 2000 was just a partial amount needed to provide health and safety, modernization and reconstruction of the facilities within the school district. The \$16 million would be added to the bond money, along with approximately \$11 million that would be received from the State on a matching basis.

**Commissioner Harrison** disclosed that he had met with Mr. Wong when this project was just beginning. He asked how it would be determined how long the tenants would continue to provide service to the community from the site. He asked if the funding was available to carry through the project.

**Mr. Wong** stated that the church would like the tenants to stay on site, and he expected that it would be worked out, as the programs were running well. As of the end of March, the total amount for the sale of the property was available in the bank. They planned to break ground for the building in late August or early September and expected that the money would be in place at that time.

**Commissioner Wieckowski** asked if siting the church so that it faced Sundale Drive had been considered.



**Mr. Wong** stated that the floor plan dictated how the building was sited.

**Commissioner Wieckowski** asked why the various uses for the building could not be configured in a different manner when it seemed that a ten-acre site should be able to accommodate any configuration. When driving down Sundale Drive, one would be looking at the side of the building. The chapel entrance was not enough to make that side of the building more pleasing to the eye.

**Mr. Wong** stated that the center of the church would face the school building with the entrance to the small chapel facing Sundale Drive. He expected that the chapel would be used more often and some architectural elements had been added to look pleasing from Sundale Drive.

**Mr. Kobza** replied that the arched entrance to the chapel would be more of a public entry, along with the bookstore, and would be entered from Sundale Drive.

**Commissioner Sharma** asked how many of the church community lived locally in the neighborhood or within the City. He complimented the church concerning the fact that there was no one in attendance who did not support the project.

**Mr. Wong** reminded the Commission that the letters that he had submitted represented an additional 250 people who could not attend this meeting.

**Commissioner Natarajan** noted that there were few outdoor areas for gatherings, other than the reserved area that she assumed would be left in its natural state until a use for it was determined.

**Mr. Wong** stated that the reserved area was part of the conditions, which would have some kind of ground cover, probably grass, and would be irrigated.

**Commissioner Natarajan** stated that the building floor plan was a defined rectangle with many awkward spaces that seemed to almost force certain uses into the available spaces. She asked why there had to be a solid box. Why not break up the uses into smaller chunks that would be connected by walkways and surrounded by courtyards with more of an integration of the outdoor and indoor spaces, and which would also reduce the overall size of the building. She saw an office cluster that could function by itself. The chapel had a side door into it from the main lobby. Prayer rooms were scattered throughout the building and tucked into corners between storage rooms.

**Mr. Kobza** stated that the sanctuary was the driving force with the other functions following. The main sanctuary would be closed except for services, and the church members did not want the sanctuary to be a separate building. The rest of the building was planned to be multipurpose.

**Commissioner Wieckowski** asked if there was any religious reason why the chapel and bookstore needed to be attached to the sanctuary, along with the other functions. He asked to see the energy efficient elements (the passive elements) that would improve the energy efficiency of the building.

**Mr. Wong** replied that there was no spiritual reason to have all the functions in one building, but there was an economic reason. The main sanctuary would be closed off from the rest of the building to save money on utilities. The pastor would serve the congregation by using the other rooms.

**Mr. Kobza** stated that the main sanctuary would not consume heating and air conditioning six days a week.

**Mr. Wong** stated that there were many energy options that would be considered by the design team. Solar energy was one possibility. A typical church did not have many windows to allow for good acoustics and audio/video/lighting control.

**Chairperson Cohen** closed the public hearing.

**Commissioner Natarajan** asked how the process had changed since the applicant first was seen approximately one year ago.

**Associate Planner Meerjans** stated that the original application was for a Preliminary Review (PRP) and the architecture was not very developed. In December, the applicant came back with a planned district application and it had been since that time that revisions had been undertaken. The roofline was changed; (originally, it did not have the current variations); the glass was mentioned; landscaping around the building was worked on; and other changes were discussed, such as the secondary entrance on Sundale Drive. The entrance was not moved, but a landscape change was made.

**Commissioner Natarajan** asked if design tweaks had been made, but no dramatic changes had been made in terms of the building form or its location on the site. She asked if the reserve area was part of the 52 percent of the site being landscaped, as mentioned in the report.

**Associate Planner Meerjans** stated that the building location on the site had functionally stayed the same. The reserve area was required and would have ground cover and irrigation. It was included within the 52 percent.

**Commissioner Wieckowski** asked if any other part of the existing school site would be relandscaped or included in the landscape plan. He knew that it included not much more than ponderosa pines.

**Associate Planner Meerjans** replied that the landscape plan was concentrated in the area where the new structures would be located. The street landscape pockets would be landscaped.

**Commissioner Natarajan** asked if the bookstore would be a commercial use and if there was a restriction on the size.

**Associate Planner Meerjans** stated that a bookstore was a common function among many churches and had no size restrictions. Usually it involved book sales to the members and visitors.

**Chairperson Cohen** reiterated that the Commission's job was to decide a land use issue. In the past, the issue of the schools had always come up and a cry was heard to make sure that the schools were local so that the children could walk to the school, which was not a land use issue. While he believed that the school district would like to provide local schools, it had been a financial impossibility. It was the Commission's duty to make sure that the City obtained the best project under all circumstances. A P District was a way to get something superior for the City with some allowances in return for the applicant. Sticking a box on a piece of property and forcing a use into it might be good for one particular interest. However, a wide variety of interests were involved and the Commission's job was to sort it out.

**Commissioner Wieckowski** stated that he had overlooked asking questions about the planned 11-room dormitory and the housing units that were planned on the east side of the building. He asked about their potential energy efficiency as stand-alone buildings. Was there any element that would optimize the energy use for those buildings? He asked if a condition

could be included that would, at least, encourage passive solar elements on those seven or eight buildings, as was common in college dormitories.

**Associate Planner Meerjans** replied that the building codes had changed over the years to become more energy efficient and the double-paned windows and insulation were standard requirements in new construction. The building was not designed for passive solar heat gain. She agreed that it could be required as part of the PD to encourage passive solar elements. Usually college dormitories were much larger structures than these would be.

**Commissioner Sharma** stated that he could see the attendees' community commitment, as he had also seen during the March 27<sup>th</sup> meeting. He realized that it was not within the Commission's purview to decide what properties the school district should sell, but to make certain that the best use was made of them. He believed that any community would welcome a place for prayer. He would support the project.

**Commissioner Harrison** commended the applicant for working with the neighbors. If all applicants that came before the Commission did as good a job working with the neighbors as this applicant had, it would make the Commissioners' jobs much easier. This was a great project; he expected the few issues could be worked out with staff. He encouraged the applicant to consider Commissioner Wieckowski's ideas concerning green ideas, such as solar panels. He would support the project.

**Commissioner Natarajan** stated that she was thrilled with the amount of time the applicant had spent during this whole process, working with staff, and working with the neighbors. However, this "dream project" was missing in the building design. She understood the applicants' wishes to spend money doing other good things for the community. On the other hand, money was going to be spent on a 33,000 square foot building and she assured the applicants that other creative designs could be had for almost the same price or less. She was not sure that all the architecture options had been explored and she encouraged them to take the extra time to convince themselves that this would be the "legacy project" that would live on after them. Many of the people in the community were working in buildings that looked like this one: dark, dark tinted glass, the same kind of stucco detailing, three-foot wainscoting. Many people looked for a different environment. For her, a place for prayer would include the outside as part of the prayer environment and was not shut in. She would not support this project.

**Vice Chairperson Weaver** stated that Commissioner Natarajan had expressed most of her thoughts. She commended the applicants for doing their homework in the community where they wished to locate. She agreed that if other applicants had done the same homework, they probably would not have had such a difficult time when coming before the Planning Commission. She felt that the siting of the project was awkward and could be done better, as there was plenty of land to site the building off of Cody Drive, which would work much better. The building design did not inspire and was very utilitarian. Breaking up the mass would be helpful and would reach the energy efficient goal and allow it to flow. She liked the diaper changing tables in the men's bathrooms and hoped they were used a lot. She would not support the project, but expected that a better designed project would come back to the Commission, which she would be pleased to support at that time.

**Commissioner Wieckowski** disclosed that he had met with Mr. Wong early in the process. He thanked the public for attending this meeting, which helped him to understand their passion and vision for their church. He believed that the church would be built, and he believed that the redesigned building would truly reflect their passion and vision. He wanted to make sure that the three tenants stayed on site and continued with their vital services to the community. "Godliness is next to conservation." It could be a point of honor and respect if the rest of the community could recognize the elements used to maximize solar energy.

**Chairperson Cohen** asked if the project could be approved with a condition that required that main building be redesigned.

**Deputy Planning Manager Schwob** noted that the Commission could recommend approval of the use and direct that certain of the design aspects come back for further review.

**Commissioner Natarajan** asked if the project could be continued for redesign and a public statement made that the Commission approved of the use, but not the site plan and building architecture.

**Deputy Planning Manager Schwob** agreed that a continuance was an option. However, the applicants wished to move forward because of the financial issues.

**Chairperson Cohen** agreed that this building did not reflect the passion exhibited by this church community. When it came to religious issues, he had learned to relax his standards, because there was usually a money issue. He agreed with Commissioner Natarajan. It was a very large project and it was important that the building reflect the religious spirit that he had felt. He suggested approval subject to a complete revision of the architecture.

A conversation ensued between Chairperson Cohen and Deputy Planning Manager Schwob regarding the Commission's review of the site plan and the design change. It was decided that the form of the building should relate to the street and its surroundings; it should be reflective of the spaces within the building; the building could be broken into smaller components that were somehow rearranged and/or interconnected. The box was not to be "tweaked" any more. The design was to be dramatically different and more creative.

**Commissioner Harrison** asked that the applicant be called forward for his opinion on the matter.

**Chairperson Cohen** opened the public hearing to ask the applicant if he would agree to return to the Commission with major architectural changes in the precise plan.

**Mr. Wong** stated that the Commissioners' suggestions would be good in a normal situation. However, he stated that the church could not afford any more extensions or postponements. He asked for a separate vote: one for the land use and the second for the building design.

**Deputy Planning Manager Schwob** stated that the application before the Commission was for approval for the preliminary and precise plan.

**Chairperson Cohen** told the applicant that the majority of the Commission wanted to see major architectural changes.

**Mr. Wong** doubted that a new design for a new building could be done, as it could take six months or more.

**Chairperson Cohen** closed the public hearing.

**Vice Chairperson Weaver** told the applicant that he was being offered an option to come back for approval for a redesign of the building, as opposed to the Commission denying the project.

**Chairperson Cohen** suggested that the applicant meet with staff to fully appreciate the Commission's decision.

IT WAS MOVED (HARRISON/WEAVER) AND CARRIED BY THE FOLLOWING VOTE (6-0-0-1-0) THAT THE PLANNING COMMISSION **HOLD PUBLIC HEARING.**

**AND**  
**RECOMMEND CITY COUNCIL APPROVE DRAFT MITIGATED NEGATIVE DECLARATION FOR PLN2003-00154 AND FIND IT REFLECTS THE INDEPENDENT JUDGEMENT OF THE CITY OF FREMONT.**

**AND**  
**RECOMMEND A PRELIMINARY APPROVAL OF PLN 2003-00154 PLANNED DISTRICT (APPROVING RELIGIOUS USE).**

**AND**  
**RECOMMEND THE PRECISE PLAN FOR SITE PLAN AND ARCHITECTURE BE BROUGHT BACK FOR REVIEW.**

The motion carried by the following vote:

AYES:	6 – Cohen, Harrison, Natarajan, Sharma, Weaver, Wieckowski
NOES:	0
ABSTAIN:	0
ABSENT:	1 – Thomas
RECUSE:	0

## **MISCELLANEOUS ITEMS**

Information from Commission and Staff:

- Information from staff: Staff will report on matters of interest.

**Deputy Planning Manager Schwob** stated that the April 24<sup>th</sup> agenda was in the Commissioners' packets. A study session would be held before the meeting at 6:00 p.m. in the Ardenwood Room on the housing element and land use element revisions.

**Commissioner Sharma** stated that he would be absent from the meeting due to a family vacation.

**Commissioner Natarajan** asked if it was possible to get the housing element and the EIR for the other project a little earlier than usual.

**Deputy Planning Manager Schwob** promised to send the housing element to the Commissioners as soon as possible.

**Associate Planner Meerjans** stated that the EIR would ready on April 14<sup>th</sup>

**Commissioner Natarajan** asked if a draft EIR was ready.

**Associate Planner Meerjans** stated that she should have received one in her original packet. She promised to send one to her and to Commissioner Sharma.

**Vice Chairperson Weaver** stated that she would not attend the study session and asked for a little more notice. She also asked about the May meetings.

**Deputy Planning Manager Schwob** stated that the May 8<sup>th</sup> meeting was tentative.

- Information from Commission: Commission members may report on matters of interest.

**Commissioner Harrison** announced that he had attended the Saddle Rack opening on April 5<sup>th</sup>.

**Commissioner Wieckowski** stated that a member of the public had inquired if a vacant lot on Fremont Boulevard at the end of Country Drive near Washington High School could be utilized as a community garden. He asked who owned the property and if anything was planned for that piece of property.

**Deputy Planning Manager Schwob** promised to look up the owner of the land and forward that information to him.

**Vice Chairperson Weaver** noted that an empty lot at the corner of Mission Boulevard and Walnut Avenue had become overgrown.

**Commissioner Natarajan** stated that she had noticed weed abatement being performed yesterday on that lot.

Meeting adjourned at 9:30 p.m.

SUBMITTED BY:

APPROVED BY:

Alice Malotte  
Recording Clerk

Jeff Schwob, Acting Secretary  
Planning Commission